

PAULA T. DOW

Attorney General of New Jersey

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Attorney for Defendants: Paula T. Dow, Colonel Rick Fuentes, Hon.
Philip J. Maenza, Hon. Rudolph A. Filko, Hon. Edward A.
Jerejian, Hon. Thomas V. Manahan

By: Gregory A. Spellmeyer

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JEFFREY M. MULLER, et al.,

Plaintiffs,

v.

THE HON. PHILIP J. MAENZA, in his
Official Capacity as Judge of the
Superior Court of Morris County; et
al.

Defendants.

:
:
: UNITED STATES DISTRICT
: COURT FOR THE DISTRICT
: OF NEW JERSEY
:
: CIVIL ACTION No. 10-cv-
: 6110-WHW-CCC
:
: DECLARATION OF GREGORY A.
: SPELLMEYER
:

I, Gregory A. Spellmeyer, declare as follows:

1. I am a Deputy Attorney General employed by the Division of Law within the New Jersey Department of Law and Public Safety.
2. I am assigned to represent defendants Paula T. Dow, Attorney General of New Jersey, Colonel Rick Fuentes, Superintendent of the New Jersey State Police, the Hon. Philip J. Maenza, the Hon. Rudolph A. Filko, the Hon. Edward A. Jerejian, and the Hon. Thomas V. Manahan in the above-captioned matter.
3. I make this declaration in support of these defendants' opposition to plaintiffs' motion for summary judgment and in particular in support of these defendants' response to plaintiffs' statement of undisputed material facts.

4. Plaintiffs' complaint presents a facial constitutional challenge to N.J.S.A. 2C:58-4. See District Docket Entry #1, Complaint, ¶9. See also District Docket Entry #12-1 Plaintiffs' Proposed Order.
5. For purposes of these defendants' motion to dismiss plaintiffs' complaint pursuant to Fed.R.Civ.P. 12(b)(6) only, defendants must accept the allegations within plaintiffs' complaint as true.
6. For purposes of plaintiffs' motion for summary judgment, these defendants do not accept the allegations within plaintiffs' complaint as true.
7. Further as to plaintiffs' motion for summary judgment, these defendants dispute certain of plaintiffs' statement of material facts pursuant to Fed.R.Civ.P. 56(d) because facts are unavailable to these defendants at this time. This matter has been open only since November 22, 2010, no discovery has yet been undertaken, and fact-sensitive state court proceedings relating or relevant to plaintiffs' applications for permits to carry handguns may either be on-going or potentially available to plaintiffs.

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY

Dated: January 26, 2011

BY: /s/ Gregory A. Spellmeyer
Gregory A. Spellmeyer
Deputy Attorney General